

## *EPA Withdraws Federal Water Quality Criteria for New Jersey, Puerto Rico and California*

### Summary

The U.S. Environmental Protection Agency (EPA) is amending the federal water quality standards regulations by taking two actions which will enable New Jersey, Puerto Rico and California to implement their state-adopted, EPA-approved water quality criteria.

First, the Agency is withdrawing all remaining federal human health and aquatic life water quality criteria covered by the National Toxics Rule and applicable to all waters in New Jersey and Puerto Rico. Second, EPA is withdrawing certain federal aquatic life criteria covered by the National Toxics Rule and the California Toxics Rule and applicable to the San Francisco Bay in California. These jurisdictions have adopted EPA-approved state criteria and therefore no longer need such federal criteria to meet Clean Water Act requirements.

EPA proposed these changes in April 2012 and sought public comment on its action with respect to those state criteria that are less stringent than the federally promulgated criteria. EPA received little substantive comment on this action.

### Background

In 1992, EPA issued the National Toxics Rule to establish numeric water quality criteria for 12 states and two territories that had failed to comply fully with the Clean Water Act. These included New Jersey, Puerto Rico and parts of California. The criteria became the applicable water quality standards in those 14 states and territories, effective February 5, 1993.

In 2000, EPA issued the California Toxics Rule in order to establish numeric water quality criteria for priority toxic pollutants for the State of California; the criteria were not previously in the National Toxics Rule. At that time, any criteria promulgated as part of the National

Toxics Rule for California were included in the criteria tables for the California Toxics Rule.

### State Primacy

The water quality standards program was developed with an emphasis on state primacy. Although EPA promulgated toxics criteria for the certain states in the National Toxics Rule and California Toxics Rule, the Agency prefers that states maintain primacy, revise their own standards, and achieve full compliance. As described in the preambles to the final National Toxics Rule and California Toxics Rule, when a state adopts, and EPA approves, water quality criteria that meet the requirements of the Clean Water Act, the Agency issues a rule amending the National Toxics Rule, and California Toxics Rule, as applicable, to withdraw the federal criteria for that state.

EPA has been coordinating closely with New Jersey, Puerto Rico and California on issues related to implementation of the Clean Water Act and EPA regulations.

### Federal Criteria Withdrawals

EPA is amending the federal regulations in the National Toxics Rule to withdraw certain human health and aquatic life criteria applicable in New Jersey and Puerto Rico. For many pollutants, the state-adopted, EPA- approved criteria are no less stringent than the federally-issued criteria.

In addition, EPA is amending the federal regulations in the National Toxics Rule and the California Toxics Rule to withdraw certain human health and aquatic life criteria applicable in New Jersey, Puerto Rico, and California that are less stringent than the federally-issued criteria. Some of these criteria are the same as EPA's most recent criteria recommendations issued under the Clean Water Act, while others are state-specific criteria calculated using EPA-approved methods.

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The Agency provided an opportunity for public comment in April 2012, when it published the proposed withdrawal. EPA received letters supporting the withdrawals from New Jersey and California, and received very little other substantive comment. The response to comment document can be found at [www.regulations.gov](http://www.regulations.gov), under Docket ID No. EPA-HQ-OW-2012-0095.

### **About this Rulemaking**

This rulemaking will have no economic impact, since it does not establish any requirements directly applicable to regulated entities.

### **For More Information**

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